



On the Constitutional Court of the Republic of Kazakhstan

Unofficial translation

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Section 1. CONSTITUTIONAL COURT OF THE REPUBLIC OF KAZAKHSTAN

Chapter 1. GENERAL PROVISIONS

Article 1. Status of the Constitutional Court of the Republic of Kazakhstan

The Constitutional Court of the Republic of Kazakhstan (hereinafter - the Constitutional Court) shall ensure the supremacy of the Constitution of the Republic of Kazakhstan throughout the territory of the Republic of Kazakhstan.

When exercising its powers, the Constitutional Court shall be independent and separate from citizens, organizations, state bodies, officials, guided by the Constitution of the Republic of Kazakhstan and this Constitutional Law, refrain from establishing, examining and verifying other issues in all cases when they are under the jurisdiction of the courts or other state bodies.

Article 2. Legislation of the Republic of Kazakhstan on the Constitutional Court

1. The status, jurisdiction, organization and activities of the Constitutional Court shall be defined and regulated by the Constitution of the Republic of Kazakhstan and this Constitutional Law.

2. On issues of organization and operating procedures, the Constitutional Court, on the basis of this Constitutional Law shall adopt Regulations of the Constitutional Court and other acts.

Article 3. Membership and formation procedure of the Constitutional Court

1. The Constitutional Court shall consist of eleven judges, including the chairman and his deputy.

2. The chairman of the Constitutional Court shall be appointed by the President of the Republic of Kazakhstan with the consent of the Senate of the Parliament of the Republic of Kazakhstan.

3. The deputy chairman of the Constitutional Court shall be appointed by the President of the Republic of Kazakhstan on the proposal of the chairman of the Constitutional Court from among the judges of the Constitutional Court.

4. Four judges of the Constitutional Court shall be appointed by the President of the Republic of Kazakhstan, three judges of the Constitutional Court shall be appointed by the Senate and the Mazhilis of the Parliament of the Republic of Kazakhstan on the proposal of the chairmen of the Chambers of the Parliament of the Republic of Kazakhstan.

Chapter 2. STATUS OF THE CONSTITUTIONAL COURT JUDGES

Article 4. Chairman, Deputy Chairman and Judges of the Constitutional Court

1. The chairman, deputy chairman and judges of the Constitutional Court shall be persons holding a responsible public position, whose status is determined by the Constitution of the Republic of Kazakhstan and this Constitutional Law.

2. The position of a judge of the Constitutional Court shall be incompatible with a deputy mandate, holding other paid positions, except for teaching, science or other creative activities, nor with carrying out entrepreneurial activities, membership in a governing body or supervisory board of a commercial organization.

The Chairman and judges of the Constitutional Court must not be members of political parties, trade unions, or support any political party.

If a judge of the Constitutional Court at the time of his appointment to office is a member of a political party, trade unions, he must terminate his membership in them within ten days from the date of his appointment.

Article 5. Requirements for Candidates for the Constitutional Court Judges

A citizen of the Republic of Kazakhstan not younger than forty years of age, with a higher legal education, high qualification in the field of law, an impeccable reputation and at least fifteen years of experience in legal profession may be appointed to the Constitutional Court.

Article 6. Term of powers of the Constitutional Court judges

1. The powers of the chairman and judges of the Constitutional Court shall last eight years . The same person may not be appointed as a judge of the Constitutional Court more than once.

2. In case of termination of their powers, the Chairman and judges of the Constitutional Court shall be replaced in accordance with the procedure established by the Constitution of the Republic of Kazakhstan and this Constitutional Law.

Article 7. Oath of the Constitutional Court Judges

Judges of the Constitutional Court, after their appointment, shall take an oath as follows: “ I solemnly swear to fulfill in good faith and conscientiously the high duties assigned to me as a judge of the Constitutional Court of the Republic of Kazakhstan, to be impartial and in my activities to subordinate only to the Constitution of the Republic of Kazakhstan, to ensure its supremacy.”

The oath of the Constitutional Court judges shall be taken in the manner determined by the President of the Republic of Kazakhstan.

Article 8. Suspension of powers of a judge of the Constitutional Court

1. The powers of a judge of the Constitutional Court may be suspended if:

1) a judge, for health reasons, is temporarily unable to perform his duties for more than sixty successive calendar days;

2) in accordance with the procedure established by law, consent has been given to his detention, custody, house arrest, bringing him to administrative or criminal liability;

3) there are confirmed data on the beginning of a missing person condition.

2. Suspension or renewal of the powers of the chairman of the Constitutional Court shall be assigned by the President of the Republic of Kazakhstan, and other judges of the Constitutional Court - by the chairman of the Constitutional Court. The decision to suspend powers shall be adopted no later than one month from the date of discovery of the grounds for suspension of powers.

3. The powers of a judge of the Constitutional Court shall be suspended until termination of the circumstances that constituted the ground for their suspension.

4. A judge of the Constitutional Court, whose powers have been suspended, shall not have the right to participate in the sessions of the Constitutional Court and perform other duties of a judge of the Constitutional Court.

When determining the quorum, judges whose powers have been suspended shall not count

5. Suspension of the powers of a judge of the Constitutional Court shall not deprive him of the guarantees established by this Constitutional Law.

Article 9. Termination of powers of a judge of the Constitutional Court

1. The powers of a judge of the Constitutional Court shall be terminated due to:

1) application for resignation at their own request;

2) termination of citizenship of the Republic of Kazakhstan or obtaining a residence permit or other document confirming the right to permanent residence in the territory of a foreign state;

3) enforcement of a guilty verdict of the court against him;

4) declaring him incapable or with limited capacity by an enforced court ruling;

5) recognizing him as missing by an effective court ruling;

6) his death or declaration of death by an effective court ruling;

7) appointment in violation of the requirements established by the Constitution of the Republic of Kazakhstan and this Constitutional Law;

8) violation of the requirements of the Constitution of the Republic of Kazakhstan and this Constitutional Law, established for judges of the Constitutional Court;

9) expiry of the tenure established by the Constitution of the Republic of Kazakhstan;

10) non-participation of a judge in the Constitutional Court sessions at least three times in a row without good reason.

2. Powers of the chairman of the Constitutional Court shall be terminated by the President of the Republic of Kazakhstan on the grounds provided for in paragraph 1 of this article.

3. Powers of judges of the Constitutional Court shall be terminated by the President of the Republic of Kazakhstan, the Senate of the Parliament of the Republic of Kazakhstan, the Mazhilis of the Parliament of the Republic of Kazakhstan, respectively, on the grounds provided for in subparagraphs 1), 2), 7), 8), 9) and 10) of paragraph 1 of this article.

4. Powers of a judge of the Constitutional Court on the grounds provided for in subparagraphs 3), 4), 5) and 6) of paragraph 1 of this article shall be terminated by the Constitutional Court.

5. Dismissal of the deputy Chairman of the Constitutional Court from office shall not entail termination of his powers as a judge of the Constitutional Court.

Chapter 3. GUARANTEES FOR THE ACTIVITY OF THE CONSTITUTIONAL COURT JUDGES

Article 10. Independence of the Constitutional Court judges

1. The Constitutional Court judges shall be independent in the performance of their duties and submit only to the Constitution of the Republic of Kazakhstan and this Constitutional Law. Any interference in their activities, as well as pressure or other influence on them in any form shall not be allowed and shall entail liability under the law.

2. The Constitutional Court judges shall not be accountable on constitutional proceedings issues. No one shall be entitled to demand from them a report on the performance of their powers.

3. The Constitutional Court judges shall be prohibited from expressing an opinion or disclosing the content of materials on issues that are the subject of the Constitutional Court proceedings, except at a Constitutional Court session.

4. During the term of office, the Constitutional Court judges shall be irremovable. The powers of the Constitutional Court judges may be terminated or suspended only in cases provided for by this Constitutional Law.

5. A Judge of the Constitutional Court shall be obliged to declare self-withdrawal, which is subject to satisfaction by the Constitutional Court, provided that there are circumstances that give reason to believe that the Constitutional Court Judge is personally, directly or indirectly interested in the issue considered by the Constitutional Court.

6. A Constitutional Court judge shall not have the right to exercise defense or representation, except for legal representation, in court or other state bodies.

Article 11. Immunity of the Constitutional Court judges

1. During their tenure the Constitutional Court judges may not be detained, held in custody, subjected to house arrest, compulsory attendance, legally imposed administrative penalties, criminal liability without the consent of the Parliament of the Republic of Kazakhstan, except for cases of detention at the scene of a crime or committing grave or especially grave crimes.

2. After registration of the grounds for opening a pre-judicial inquiry in the single register of pre-trial investigations, the pre-judicial inquiry against a Constitutional Court judge can be continued only with the consent of the Prosecutor General of the Republic of Kazakhstan, who shall submit to the Parliament of the Republic of Kazakhstan a recommendation to give consent to bring the judge of the Constitutional Court to criminal liability. In cases where a Constitutional Court judge is detained at the scene of a crime, or if the fact of preparation or attempt to commit a grave or especially grave crime has been established, or he has committed a grave or especially grave crime, the pre-trial inquiry in respect of him may be continued before the consent of the Prosecutor General of the Republic of Kazakhstan is obtained, but with obligatory notification to the latter within 24 hours. The Prosecutor General of the Republic of Kazakhstan shall supervise compliance with the law during the investigation of the case.

3. The Constitutional Court judges shall not be subject to disciplinary liability.

4. No one shall have the right to exclude a Constitutional Court judge from participation in a Constitutional Court session, unless his powers are suspended in accordance with this Constitutional Law.

5. A Constitutional Court judge cannot be held liable, including after the termination of his powers, for the position expressed by him during the examination of the case in the Constitutional Court.

Article 12. Equality of rights of the Constitutional Court judges

The Constitutional Court Judges shall have equal rights when considering cases being examined by the Constitutional Court and making decisions on them, except for the case provided for in paragraph 3 of Article 58 of this Constitutional Law.

Article 13. Warranty of the Constitutional Court judges safety

The Constitutional Court Judges, members of their families, as well as their property shall be under protection of the state.

The internal affairs bodies shall be obliged to take timely and comprehensive measures to ensure the safety of the Constitutional Court judge and his family members, safety of their property, if the judge makes an appropriate request.

Damage caused to a Constitutional Court judge and his property in connection with his professional activities shall be compensated at the republican budget expense.

Article 14. Remuneration and social security of the Constitutional Court judges

1. The salary of the chairman, deputy chairman and judges of the Constitutional Court shall be established as prescribed by subparagraph 9-1) of Article 66 of the Constitution of the Republic of Kazakhstan.

2. Housing, transport and other benefits, medical care and sanatorium treatment of the Constitutional Court chairman shall be provided at the level of the First Deputy Prime

Minister, of deputy chairman of the Constitutional Court - at the level of the Deputy Prime Minister, judges of the Constitutional Court - at the level of the Minister of the Republic of Kazakhstan.

3. The Constitutional Court judges shall be granted annual leave of thirty calendar days with the payment of a health improvement allowance in the amount of two official salaries.

4. The Constitutional Court judge and his family members shall be reimbursed for relocation expenses if the Constitutional Court judge and his family members live in another area.

5. Provision of housing for the Constitutional Court judges shall be made at the republican budget expense in case of absence of housing at the Constitutional Court location. The Constitutional Court judge and his family members shall be, on an extraordinary basis, but no later than six months from the date of appointment to the position, provided with suitable living quarters from the state housing stock in accordance with the norms that exclude categorizing of a Constitutional Court judge as a citizen in need of improved living conditions. The official residential premises occupied for permanent residence by a judge of the Constitutional Court may be privatized at his request in the absence of housing in the manner prescribed by the legislation of the Republic of Kazakhstan.

6. The Constitutional Court judges shall be provided with robes and a badge at the republican budget expense.

7. The Constitutional Court judges and members of their families cohabiting with them, in accordance with the procedure established by the legislation of the Republic of Kazakhstan, shall be provided with medical care in the relevant state healthcare institutions.

8. A judge of the Constitutional Court whose powers have been terminated due to the expiration of the term of office established by the Constitution of the Republic of Kazakhstan, who has reached the retirement age established by the legislation of the Republic of Kazakhstan on social protection, is paid a tax-free monthly lifetime maintenance in the amount of one hundred and twenty times the monthly calculation index established by the law on the republican budget for the corresponding financial year. At the same time, a judge of the Constitutional Court has the right to receive one of the following payments at his discretion:

1) monthly lifetime maintenance;

2) pension payments by age or pension payments for years of service in accordance with the legislation of the Republic of Kazakhstan on social protection.

The procedure for payment of monthly lifetime maintenance to a judge of the Constitutional Court is determined by the Government of the Republic of Kazakhstan.

9. The monthly life maintenance payment to a judge of the Constitutional Court shall be suspended if, in accordance with the procedure established by the legislation of the Republic

of Kazakhstan, he occupies a position paid from the republican or local budget or from the funds of the National Bank of the Republic of Kazakhstan, with the exception of a position related to teaching, science or other creative activities.

In the event of termination of the occupied position paid from the republican or local budget or from the funds of the National Bank of the Republic of Kazakhstan, the monthly life maintenance payment to a judge of the Constitutional Court shall be resumed.

Footnote. Article 14 as amended by the Constitutional Law of the Republic of Kazakhstan dated 20.04.2023 No. 225-VII (shall be enforced from 01.07.2023).

Article 15. Compensation in case of injury or death of a judge of the Constitutional Court

1. If a judge of the Constitutional Court sustains an injury (trauma, wound, concussion, occupational disease) during performance of his official duties, he shall be paid a one-time compensation in the amount established by this article.

2. In case of death of a judge of the Constitutional Court in the performance of official duties or within a year after the termination of the powers of a judge of the Constitutional Court due to injury (trauma, wound, concussion, occupational disease) sustained in the performance of official duties, the heirs shall be paid a one-time compensation in the amount of a thirty-month official salary of a judge of the Constitutional Court.

At the same time, the Constitutional Court judge shall be deprived of the right to compensation referred to in part one of this paragraph, if his powers are terminated due to the effective guilty verdict of the court;

3. When a judge of the Constitutional Court is found to be disabled as a result of an injury (trauma, wound, concussion, occupational disease) sustained in the performance of his official duties, he shall be paid lump sum compensation in the following amount:

- 1) a person with the first disability group - twenty months' salary;
- 2) a person with the second disability group - a fifteen month's official salary;
- 3) a person with the third disability group - a five-month official salary.

4. In the event that a judge of the Constitutional Court sustains a serious injury (trauma, wound, concussion, occupational disease) in the performance of his official duties, which did not result in the establishment of disability, he shall be paid a one-time compensation in the amount of one and a half months of the official salary, a minor injury - half of the monthly official salary.

5. For the burial of deceased or killed judges of the Constitutional Court and pensioners who have retired from the position of a judge of the Constitutional Court, a one-time monetary compensation shall be paid in the amount of three months' salary of a judge of the Constitutional Court at the time of their death.

6. The procedure for lump-sum compensation payment shall be determined by the Government of the Republic of Kazakhstan.

7. A one-time compensation shall not be paid if, in the manner prescribed by the legislation of the Republic of Kazakhstan, it was proved that the injury (trauma, wound,

contusion, occupational disease) or death of a judge of the Constitutional Court happened due to circumstances unrelated to the performance of official duties.

Article 16. Pension provision for the Constitutional Court judges

Pension provision of judges of the Constitutional Court is carried out in accordance with the procedure and conditions established by the legislation of the Republic of Kazakhstan on social protection.

Footnote. Article 16 as amended by the Constitutional Law of the Republic of Kazakhstan dated 20.04.2023 No. 225-VII (shall be enforced from 01.07.2023).

Chapter 4. PROVISION OF THE CONSTITUTIONAL COURT ACTIVITY

Article 17. Financing of the Constitutional Court activity

Activities of the Constitutional Court and its Apparatus shall be financed from the republican budget and must enable a full and independent exercise of powers to ensure the supremacy of the Constitution of the Republic of Kazakhstan throughout the territory of the Republic of Kazakhstan.

Article 18. The Constitutional Court Apparatus

The Apparatus of the Constitutional Court is a state body that provides legal, informational- reference, scientific advisory and other support for the Constitutional Court activities.

The Apparatus of the Constitutional Court is a legal entity in the organizational and legal form of a state institution.

The activities of the Apparatus of the Constitutional Court shall be regulated by the legislation of the Republic of Kazakhstan, the Rules of the Constitutional Court and the Regulations on the Apparatus of the Constitutional Court.

The Constitutional Court staff is civil servants.

The legal status and remuneration of the staff of the Constitutional Court Apparatus shall be regulated by the legislation of the Republic of Kazakhstan in public service.

Article 19. Analyst of the Constitutional Court

1. An analyst of the Constitutional Court shall be a civil servant who shall provide legal and scientific and analytical support of constitutional proceedings and contribute to appropriate consideration of applications filed to the Constitutional Court.

2. Analyst of the Constitutional Court shall:

1) in interaction with the judge of the Constitutional Court - rapporteur, take measures to prepare materials for the Constitutional Court session;

2) prepare draft procedural documents on involving experts (specialists), interviewing interested parties and carrying out other actions on the application;

3) analyze and summarize the constitutional proceedings materials with the preparation of a report for the Constitutional Court judges;

4) perform other functions established by the legislation of the Republic of Kazakhstan.

Article 20. Scientific Advisory Council under the Constitutional Court

1. A scientific advisory council, which is a consultative and advisory body, may be formed at the Constitutional Court.

2. The composition, tasks and procedure for the activities of the scientific advisory council shall be governed by the regulation approved by the Constitutional Court.

Article 21. International cooperation of the Constitutional Court

In accordance with the procedure established by the legislation of the Republic of Kazakhstan, the Constitutional Court shall cooperate with international and regional human rights organizations, as well as constitutional control bodies of foreign states, may be a member of associations and other organizations created by them. Agreements (memorandums) on cooperation may be concluded to determine the subject and mechanism of interaction.

Article 22. Certificates, badge and robes of judges of the Constitutional Court, also official publication and other resources of the Constitutional Court

1. Judges of the Constitutional Court shall be issued certificates of the established form, signed by the President of the Republic of Kazakhstan, as well as a badge and a robe.

2. Regulations on the badge and robe, their models and description shall be approved by the Constitutional Court.

3. The official publication of the Constitutional Court shall be the Bulletin of the Constitutional Court of the Republic of Kazakhstan.

4. The Constitutional Court shall have the right to create a library, an Internet resource, symbols and other insignia.

Chapter 5. JURISDICTION OF THE CONSTITUTIONAL COURT AND ORGANIZATIONAL FORMS OF ITS EXERCISING

Article 23. Jurisdiction of the Constitutional Court

1. The Constitutional Court, in accordance with subparagraph 1) of paragraph 1 of Article 72 of the Constitution of the Republic of Kazakhstan, in the event of a dispute, shall decide on the propriety of conducting:

- 1) elections of the President of the Republic of Kazakhstan;
- 2) elections of deputies of the Parliament of the Republic of Kazakhstan;
- 3) republican referendum.

2. The Constitutional Court, in accordance with subparagraphs 2), 2-1) and 3) of paragraph 1 of Article 72 of the Constitution of the Republic of Kazakhstan, shall consider for compliance with the Constitution of the Republic of Kazakhstan:

- 1) prior to signing by the President of the Republic of Kazakhstan, the laws adopted by the Parliament of the Republic of Kazakhstan;
- 2) resolutions adopted by the Parliament of the Republic of Kazakhstan and its Chambers;
- 3) international treaties of the Republic of Kazakhstan before their ratification.

3. The Constitutional Court in accordance with subparagraphs 4) and 5) of paragraph 1 of Article 72 of the Constitution of the Republic of Kazakhstan shall provide the following:

- 1) official interpretation of the rules of the Constitution of the Republic of Kazakhstan;
- 2) before adoption by the Parliament of the Republic of Kazakhstan, respectively, the decision on early dismissal of the President of the Republic of Kazakhstan, the final decision on dismissal of the President of the Republic of Kazakhstan - a conclusion on compliance with the established constitutional procedures.

4. The Constitutional Court in accordance with:

1) subparagraph 6) of Article 53 of the Constitution of the Republic of Kazakhstan, based on the results of generalization of the constitutional proceedings practice, annually shall direct a message to the Parliament of the Republic of Kazakhstan on the state of constitutional legality in the Republic of Kazakhstan;

2) paragraph 2 of Article 72 of the Constitution of the Republic of Kazakhstan shall consider requests of the President of the Republic of Kazakhstan in cases provided for by subparagraph 10-1) of Article 44 of the Constitution of the Republic of Kazakhstan, as well as requests of courts in cases provided for by Article 78 of the Constitution of the Republic of Kazakhstan;

3) paragraph 3 of Article 72 of the Constitution of the Republic of Kazakhstan, at the request of citizens, shall consider for compliance with the Constitution of the Republic of Kazakhstan the regulatory legal acts of the Republic of Kazakhstan that directly affect their rights and freedoms, enshrined in the Constitution of the Republic of Kazakhstan;

4) paragraph 4 of Article 72 of the Constitution of the Republic of Kazakhstan shall consider requests of the Prosecutor General of the Republic of Kazakhstan;

5) paragraph 5 of Article 72 of the Constitution of the Republic of Kazakhstan shall consider applications of the Commissioner for Human Rights in the Republic of Kazakhstan.

5. The Constitutional Court shall decide exclusively on issues of law and shall not assess the actual circumstances that gave rise to the application.

Article 24. Other powers of the Constitutional Court

The Constitutional Court shall:

1) within its competence, have the right to require and receive documents, materials and other information from all state bodies, organizations, also to involve in accordance with the established procedure, experts (specialists) for expert and research advisory work (on such requests, the necessary documents and other information must be provided within fifteen working days, unless otherwise specified by the Constitutional Court);

2) exercise other powers established by this Constitutional Law.

Article 25. Sessions of the Constitutional Court

1. The Constitutional Court shall consider and resolve issues that are within its powers at the Constitutional Court sessions.

2. A session of the Constitutional Court shall be deemed duly constituted if at least two thirds of the total number of Constitutional Court judges is present, unless otherwise provided by this article.

3. Citizens' applications at a session may be examined by judges' panels of five judges of the Constitutional Court formed by the Constitutional Court. However, regulatory resolutions of the Constitutional Court can only be adopted unanimously.

Regulatory resolutions of the Constitutional Court adopted by the panels of the Constitutional Court judges, before they are signed by the Chairman of the Constitutional Court, shall be preliminarily endorsed by the signatures of the Constitutional Court judges who took part in the voting.

4. If the decision of the judges' panel is not adopted, and also in the event that the decision of the judges' panel, on the request of a citizen, can lead to discrepancies in the legal positions expressed in earlier decisions, or touches upon conceptual issues of importance, then the chairman of the Constitutional Court shall introduce this application to a session of the Constitutional Court, which is conducted subject to the requirements of paragraph 2 of this article.

5. Consideration at a session of the issue of accepting for constitutional proceedings the request of the entities referred to in paragraphs 3, 4 and 5 of Article 72 of the Constitution of the Republic of Kazakhstan may be carried out by three judges of the Constitutional Court chaired by the Chairman of the Constitutional Court, his deputy or one of the judges on behalf of the Chairman of the Constitutional Court.

6. Sessions of the Constitutional Court shall be convened as necessary by the Chairman of the Constitutional Court.

Article 26. Conferences of the Constitutional Court

Conferences of the Constitutional Court may be held on issues not directly related to the implementation of constitutional proceedings and not related to issues resolved at the Constitutional Court sessions.

Article 27. Powers of the Chairman of the Constitutional Court

1. Chairman of the Constitutional Court shall:

1) represent the Constitutional Court in relations with state bodies and organizations of the Republic of Kazakhstan, as well as with bodies of foreign states and international organizations;

2) manage preparation for consideration of the issues accepted by the Constitutional Court for proceedings;

3) convene sessions and conferences of the Constitutional Court, preside at them, submit questions for their consideration;

4) organize the work of the Constitutional Court judges;

5) determine measures to ensure the holding of the meeting;

6) announce at a joint session of the Parliament Chambers of the Republic of Kazakhstan the message of the Constitutional Court on the state of constitutional legality in the Republic of Kazakhstan;

7) sign the decisions, as well as the minutes of the Constitutional Court sessions, in which he presided;

8) submit for the Constitutional Court approval its Regulations, the provision on the scientific advisory council at the Constitutional Court, the candidacies of the secretary and members of the scientific advisory council;

9) approve the Regulations on the Apparatus of the Constitutional Court, within the allocated budgetary funds - the structure and personnel of the Apparatus of the Constitutional Court;

10) appoint and dismiss the head of the Apparatus of the Constitutional Court and his deputies;

11) exercise other powers in accordance with this Constitutional Law and the Rules of the Constitutional Court.

2. The chairman of the Constitutional Court shall issue orders and ordinances on issues within his competence.

3. In cases of temporary absence of the chairman of the Constitutional Court, his duties shall be performed by the deputy chairman of the Constitutional Court, and in case of temporary absence of the deputy chairman, one of the judges of the Constitutional Court, determined by the order of the chairman of the Constitutional Court.

Article 28. Deputy Chairman of the Constitutional Court

The deputy chairman of the Constitutional Court shall coordinate the work on organizing the sessions of the Constitutional Court, their minutes, and also perform other duties assigned to him by the chairman of the Constitutional Court.

Section 2. CONSTITUTIONAL PROCEEDINGS

Chapter 6. GENERAL CONDITIONS AND PRINCIPLES OF CONSTITUTIONAL PROCEEDINGS

Article 29. Constitutional proceedings and the format of administering them

1. Decisions on issues within the Constitutional Court jurisdiction shall be considered and adopted in the order of constitutional proceedings established by the Constitution of the Republic of Kazakhstan, this Constitutional Law and the Rules of the Constitutional Court.

2. Constitutional proceedings shall be conducted on paper and (or) in electronic formats.

Article 30. Specifics of electronic format of constitutional proceedings

1. Constitutional proceedings may be fully or partially conducted in electronic format, on which a resolution shall be issued. With this format, the acts of the Constitutional Court and the actions of its officials, parties in constitutional proceedings and persons involved in the

consideration of the appeal can be drawn up in the form of an electronic document certified by an electronic digital signature.

2. When conducting constitutional proceedings in electronic format, an electronic file of their materials shall be formed.

3. At the initiative of the Constitutional Court, the parties in the constitutional proceedings, the persons involved in consideration of the appeal, their representatives and other persons may participate in the Constitutional Court session by using technical means of communication.

4. The procedure for the use of technical means and information services in the course of constitutional proceedings shall be determined subject to the requirements of this Constitutional Law, the Rules of the Constitutional Court and the legislation of the Republic of Kazakhstan.

Article 31. Supremacy of the Constitution of the Republic of Kazakhstan

Constitutional proceedings shall be based on the principle of supremacy of the Constitution of the Republic of Kazakhstan.

Article 32. Comprehensive, complete and objective examination of the circumstances of the appeal

The Constitutional Court shall be obliged to take all measures for a comprehensive, complete and objective examination of the circumstances of the appeal.

Article 33 Collegiality

The Constitutional Court powers shall be exercised collegially.

Article 34. Publicity

Consideration of appeals in the Constitutional Court shall be open. A closed session shall be permitted by the Constitutional Court decision in the interests of protecting state secrets and other secrets protected by law.

Article 35. Equality of rights of parties in constitutional proceedings

Constitutional proceedings shall be carried out on the basis of the equality of its parties, who shall enjoy equal rights and opportunities to defend their position.

Article 36. Language of constitutional proceedings

1. Constitutional proceedings shall be carried out in the state language; along with Kazakh, the Russian language shall be officially used.

2. For persons participating in the constitutional proceedings who do not speak the language of the constitutional proceedings, the Constitutional Court shall provide translation into their native language or the language they speak.

3. Participants of the session who do not speak the language of the constitutional proceedings may give explanations in their native language or in the language they speak and use the services of an interpreter, a sign language specialist for persons with hearing disabilities.

Article 37. Suspension of constitutional proceedings

1. Constitutional proceedings may be suspended due to force majeure, temporarily preventing further proceedings on the appeal, and in other cases. At the same time, the period for consideration of the application shall also be halted.

2. The constitutional proceedings on the case shall be resumed upon termination of the circumstances that served as the ground for its suspension.

Article 38. Termination of constitutional proceedings

1. Constitutional proceedings shall be subject to termination at any stage, but before the Constitutional Court panel going to the deliberation room for the final decision, in the following cases:

- 1) withdrawal by a party in the constitutional proceedings of the application filed by it;
- 2) abolition or loss of legal force of the act, the constitutionality of which is disputed, except in cases where it continues to apply to the relevant legal relations;
- 3) the filed appeal is not within the Constitutional Court jurisdiction;
- 4) adoption of the final decision of the Constitutional Court on another appeal, in which a similar issue was raised.

2. The decision of the Constitutional Court to terminate the constitutional proceedings on the declared application shall deprive the applicants of the possibility to re-apply to the Constitutional Court on the same grounds.

Article 39. Recording of the Constitutional Court session

1. The Constitutional Court session shall be recorded and, if necessary, shorthand recorded.

2. The minutes of the Constitutional Court session shall be taken in the language of the constitutional proceedings.

3. The minutes taking procedure of the Constitutional Court session, the requirements for their content, as well as other issues of taking minutes of the Constitutional Court sessions shall be determined by the Rules of the Constitutional Court.

Article 40. State duty

The procedure for payment, refund and amount of the state duty when filing citizens' appeals to the Constitutional Court, as well as the grounds for exemption from it shall be determined by the Code of the Republic of Kazakhstan "On taxes and other obligatory payments to the budget" (Tax Code).

Payment of the state fee to the budget must be confirmed by payment or cash documents, and when making payments through ATMs, electronic terminals, remote communication channels and the "electronic government" payment gateway - by checks and receipts on paper or in electronic form.

In the cases provided for by subparagraphs 2), 3) and 4) of paragraph 1 of Article 38, subparagraphs 1), 2), 3) and 5) of paragraph 2 of Article 47 and paragraph 3 of Article 48 of this Constitutional Law, the paid state fee shall be refunded.

Chapter 7. STATE BODIES, OFFICIALS AND OTHER PARTIES IN CONSTITUTIONAL PROCEEDINGS

Article 41. Parties in constitutional proceedings, other persons and bodies involved in consideration of an appeal

1. Parties in constitutional proceedings shall be: persons and bodies, on whose appeals constitutional proceedings are initiated, state bodies and officials, the constitutionality of whose acts is checked.

2. The persons and bodies involved in the consideration of an appeal shall be:

1) state bodies and organizations;

2) an expert and other persons whose opinions contribute to a comprehensive, complete and objective consideration of the application;

3) translator/ interpreter.

3. If necessary, participants in constitutional proceedings, other persons and bodies referred to in subparagraph 1) of paragraph 2 of this article may appoint their representatives to participate in constitutional proceedings, whose powers shall be formalized in a power of attorney or other document issued in the prescribed manner. Representatives of the constitutional proceedings parties, by virtue of law, shall have the right to participate in constitutional proceedings without registration of powers.

4. Only legal representatives, lawyers, legal consultants who are members of the chamber of legal advisers, as well as authorized persons of organizations that have been granted the right to protect the rights and interests of members of these organizations, the rights and interests of others persons may be representatives in consideration of the citizen's appeals.

5. At the request of the applicant entitled to state-guaranteed legal counseling, the participation of a lawyer or legal counsel shall be provided by the Constitutional Court by sending the resolution to the bar association of the oblast, city of republican status, the capital or the chamber of legal consultants at the applicant's choice. The lawyer or legal consultant's fee shall be paid in accordance with the legislation of the Republic of Kazakhstan.

6. The number of representatives may not exceed two persons.

7. State bodies, organizations shall be obliged to retain for the citizen who filed the appeal, his legal representative, translator/interpreter, expert (specialist) the average earnings for all the time spent by them at the request of the Constitutional Court to participate in its session.

Article 42. Rights and obligations of parties in constitutional proceedings, other persons and bodies engaged in the consideration of appeal

1. Parties in constitutional proceedings, within their authority, shall enjoy equal procedural rights.

2. Participants of constitutional proceedings, their representatives shall have the right to:

1) access the constitutional proceedings materials, take extracts from them and make copies, with the exception of information constituting state secrets or other secrets protected by law;

2) present evidence, take part in their examination and prove the circumstances to which they refer as the ground for their appeals and objections;

3) state to the Constitutional Court their arguments and opinions on all issues arising during the constitutional proceedings;

4) file petitions and express their opinion on the petitions filed;

5) give oral and written explanations to the Constitutional Court.

3. Parties in constitutional proceedings:

1) on whose application constitutional proceedings were initiated, shall have the right, before removal of the Constitutional Court panel to the deliberation room to make a final decision, to change the basis of the appeal, increase or decrease its scope, withdraw the appeal filed by him;

2) regarding the act on which constitutional proceedings were initiated, shall have the right to recognize the claims stated in the appeal in full or in part, or to object to them.

4. Persons and bodies involved in consideration of the appeal shall have the right to:

1) with the permission of the Constitutional Court and in the scope determined by it, study the constitutional proceedings materials;

2) state to the Constitutional Court their arguments and observations on the subject of the appeal.

5. Parties in constitutional proceedings, other persons and bodies involved in the consideration of the appeal, their representatives shall be obliged to:

1) exercise their rights in good faith. Communication by them to the Constitutional Court of deliberately false information or failure to provide the documents, materials and other information requested by the Constitutional Court shall be regarded as disrespect for the Constitutional Court and entail liability under the law;

2) respect the Constitution of the Republic of Kazakhstan, the Constitutional Court, its requirements and procedures adopted in the Constitutional Court;

3) comply with instructions of the chairperson on observance of order of the meeting;

4) they may not disclose information about the circumstances of the appeal or other data that became known to them in connection with participation in closed sessions of the Constitutional Court.

6. An expert (specialist) shall have the right to:

1) get acquainted with the materials related to the subject of the evaluation (examination);

2) lodge petitions for giving him additional materials necessary for drawing an inference;

3) receive remuneration for the work performed, if this was indicated in the ruling of the Constitutional Court judge.

7. The expert (specialist) shall be obliged to:

- 1) state an objective and grounded opinion on the questions put to him;
- 2) if necessary, clarify the content of the opinion prepared by him and take part in the Constitutional Court session.

8. The interpreter/translator shall have the right to:

- 1) put clarifying questions to those present during the translation for completeness and correctness of the translation;

- 2) receive remuneration for the work performed.

9. The translator/ interpreter shall be obliged to:

- 1) perform accurately and completely the translation entrusted to him;

- 2) certify correctness of the translation with his signature in the documents of constitutional proceedings.

Chapter 8. APPLICATION TO THE CONSTITUTIONAL COURT

Article 43. Types of applications to the Constitutional Court

The grounds for examination of cases in the Constitutional Court shall be appeals of the persons indicated in paragraphs 1, 3, 4 and 5 of Article 72 of the Constitution of the Republic of Kazakhstan, as well as submissions of the courts in accordance with Article 78 of the Constitution of the Republic of Kazakhstan.

Article 44. Form and content of an application to the Constitutional Court

1. Applications to the Constitutional Court shall be filed in written and (or) electronic form.

2. The application must indicate:

- 1) the name of the Constitutional Court;

- 2) name, location of the application entity, in the case of a citizen's appeal - last name, first name and patronymic (if it is indicated in the identity document), place of residence, individual identification number, information about the subscriber number of cellular communication and electronic address, if any ;

- 3) the name, address of the representative of the application entity and its powers, except for cases of representation by position or by law. The citizen's appeal submitted by the representative must also contain information about his mobile phone number and email address, if any;

- 4) draft law on introducing amendments and (or) additions to the Constitution of the Republic of Kazakhstan, if the application raises the issue of giving an opinion in the case provided for in paragraph 3 of Article 91 of the Constitution of the Republic of Kazakhstan;

- 5) the name, location and addresses of state bodies, officials who signed or issued the acts related to the elections of the President of the Republic of Kazakhstan, Parliament deputies of the Republic of Kazakhstan and the republican referendum, if the application raises the question of correctness of their conduct;

6) name, date of adoption of laws in the event that the application raises the issue of compliance of laws adopted by the Parliament of the Republic of Kazakhstan with the Constitution of the Republic of Kazakhstan;

7) name, date of adoption of the resolutions of the Parliament of the Republic of Kazakhstan and its Chambers in the event that the application raises the issue of compliance of the resolutions of the Parliament of the Republic of Kazakhstan and its Chambers with the Constitution of the Republic of Kazakhstan;

8) name, date and place of signing the international treaties of the Republic of Kazakhstan, the officials who signed them on behalf of the Republic of Kazakhstan or its state bodies, if the application raises the issue of compliance of the international treaties of the Republic of Kazakhstan with the Constitution of the Republic of Kazakhstan;

9) provisions of the Constitution of the Republic of Kazakhstan, the official interpretation of which is raised in the application;

10) name, number, date of adoption, publication sources and other details of the law or other legal act in the event that the application raises the issue of considering the law or other legal act that has taken effect for compliance with the Constitution of the Republic of Kazakhstan;

11) name, location and address of the state body, official who signed or issued the act, the name, number, date of adoption, publication sources and other details of the law or other regulatory legal act, if the application to the court raises the issue of recognizing the act as unconstitutional, if the court finds that the law or other regulatory legal act to be applied infringes on the rights and freedoms of a person and citizen enshrined in the Constitution of the Republic of Kazakhstan;

12) name, composition of the commission formed by the Parliament of the Republic of Kazakhstan in accordance with paragraph 1 of Article 47 of the Constitution of the Republic of Kazakhstan and its conclusion; name, date of adoption and content of acts related to consideration by the Parliament of the Republic of Kazakhstan of the issue of early dismissal from office of the President of the Republic of Kazakhstan;

13) information on the number of deputies who initiated dismissal from office of the President of the Republic of Kazakhstan; information on the voting results in the Parliament Chambers of the Republic of Kazakhstan; information on the results of the investigation of the charges brought against the President of the Republic of Kazakhstan; information on the report of the Supreme Court of the Republic of Kazakhstan on validity of the presented charges; name, date of adoption and content of acts related to consideration by the Parliament of the Republic of Kazakhstan of the issue of dismissal of the President of the Republic of Kazakhstan;

14) the essence of the application, position of the person filing the application, and its legal grounding;

15) other facts, circumstances and, if available, evidence that serve as the ground for the application and confirming its validity;

16) provisions of the Constitution of the Republic of Kazakhstan and this Constitutional Law, giving the right to apply to the Constitutional Court or securing the rights and freedoms of a citizen directly affected by the regulatory legal act contested by him;

17) list of attached documents.

3. The application must be signed by the appropriate entity. An application executed in the form of an electronic document shall be certified by an electronic digital signature.

4. Attached to the appeal shall be:

1) copies of the texts of acts to be verified;

2) documents on the powers of the representative, except for cases when the representation is ex officio or by law;

3) a copy of the court resolution to suspend the proceedings on the case;

4) court resolution confirming the application of laws and other regulatory legal acts in a particular case;

5) written consent of the citizen, if the application is filed on his behalf by authorized persons;

6) a document confirming the payment of the state fee when filing citizens' applications on violation of the constitutional rights and freedoms of a person and a citizen, or a document confirming the right to exemption from it;

7) other materials confirming the position of the person applying to the Constitutional Court.

5. To documents not presented in the languages of constitutional proceedings their translation into Kazakh or Russian must be attached.

Article 45. Applications of citizens on violation of the constitutional rights and freedoms of man and citizen

1. The Constitutional Court, on citizens' application, shall consider for compliance with the Constitution of the Republic of Kazakhstan the regulatory legal acts of the Republic of Kazakhstan that directly affect their rights and freedoms, enshrined in the Constitution of the Republic of Kazakhstan.

2. The application of a citizen shall be permissible if:

1) the disputed law or other regulatory legal act was applied by the court or directly affects the rights and freedoms in a particular case with participation of a citizen and a judicial act was issued on the case that has been enacted;

2) the application was filed no later than one year after adoption of the judicial act provided for by subparagraph 1) of this paragraph.

3. The Constitutional Court shall have the right to accept a citizen's application for proceedings without an appeal of a judicial act, if the official explanation of the disputed regulatory legal act, given in the regulatory resolutions of the Supreme Court of the Republic

of Kazakhstan indicates that other application of the regulatory legal act is not envisaged and these means cannot prevent violation of civil rights.

4. The application of a citizen shall also be permissible if the preliminary application of a citizen to the court does not lead to a different application of the law that directly affects his rights and freedoms, enshrined in the Constitution of the Republic of Kazakhstan, in a specific situation due to imperativeness of the relevant provisions of the law.

Article 46. Consequences of applying to the Constitutional Court

In the event of applying to the Constitutional Court on the issues referred to in:

1) subparagraph 1) of paragraph 1 of Article 72 of the Constitution of the Republic of Kazakhstan, inauguration of the President of the Republic of Kazakhstan, registration of elected Parliament deputies of the Republic of Kazakhstan or summing up of the republican referendum results shall be suspended;

2) subparagraphs 2) and 3) of paragraph 1 of Article 72 of the Constitution of the Republic of Kazakhstan, duration of terms of signing or ratification of the relevant acts shall be suspended;

3) Article 78 of the Constitution of the Republic of Kazakhstan, the court proceedings shall be suspended fully or in the relevant part.

Chapter 9. CONSIDERATION OF APPLICATIONS BY THE CONSTITUTIONAL COURT

Article 47. Preliminary consideration of applications by the Constitutional Court Apparatus

1. The filed application shall be registered with the Apparatus of the Constitutional Court.

2. The Constitutional Court Apparatus shall send a notice of non-compliance of the application with the requirements of the Constitution of the Republic of Kazakhstan and this Constitutional Law and return it to the applicant if:

1) the subject of the application is clearly not within the Constitutional Court jurisdiction;

2) in the form and content the application clearly does not comply with the requirements established by this Constitutional Law;

3) the application comes from a clearly inappropriate entity;

4) the state fee has not been paid, except for cases when the person presented a document confirming the right to exemption from it;

5) the conditions for filing an application of citizens on violation of the constitutional rights and freedoms of a person and a citizen have clearly not been met.

3. The person who sent the application shall be entitled to demand that the Constitutional Court adopt a decision on this issue.

4. After elimination of the shortcomings indicated in subparagraphs 2) and 4) of paragraph 2 of this article, the citizen shall have the right to re-file an application to the Constitutional Court. Moreover, in the event of filing an amended application with the Constitutional Court within a month after receiving the notice from the Constitutional Court Apparatus, the application for the purposes of calculating the period specified in subparagraph

2) of paragraph 2 of Article 45 of this Constitutional Law shall be considered filed on the date of the initial application filing.

Article 48. Acceptance or rejection of an application for constitutional proceedings

1. The registered application shall be directed by the Constitutional Court chairman to one or several judges for preliminary examination, the results of which shall be reported at the Constitutional Court session.

The decision on accepting an application for constitutional proceedings shall be adopted at a Constitutional Court session.

2. If an application for constitutional proceedings is accepted, an appropriate note shall be made in the unified system of legal information about the initiated proceedings on verifying constitutionality of a law or other regulatory legal act or their individual provisions.

3. An application for constitutional proceedings shall be rejected if:

1) the application does not comply with the form and content of the application established by this Constitutional Law, conditions for their admissibility, or comes from an improper entity;

2) the subject of the application is not within the Constitutional Court jurisdiction;

3) constitutionality of the issue indicated in the application has already been checked by the Constitutional Court and there is a resolution of the Constitutional Court that remains effective, provided that subsequently the norms of the Constitution of the Republic of Kazakhstan or other legal acts on the basis of which the decision was made were not changed;

4) the issue specified in the application has not been resolved in the Constitution of the Republic of Kazakhstan;

5) the act, the constitutionality of which is disputed, has been repealed or invalidated, except when it continues to apply to the relevant legal relations.

4. The parties in the constitutional proceedings shall be notified of the decision taken by the Constitutional Court no later than five working days.

5. The Constitutional Court shall notify the authorized bodies and persons about acceptance of the application for proceedings, which must consider the issue of suspending validity of the regulatory legal act being checked, execution of legal acts adopted on its basis before adoption by the Constitutional Court of the final decision, if their action or execution may lead to impossibility of restoring human rights and freedoms or irreversible consequences for the security of the Republic of Kazakhstan.

Article 49. The procedure for preparing materials for consideration of an application accepted for constitutional proceedings at a Constitutional Court session

1. The Constitutional Court chairman, by his ordinance, shall appoint the Constitutional Court judge to prepare materials for the Constitutional Court session. In view of the particular importance or urgency of the request received, the preparation of materials can be assigned to several judges of the Constitutional Court.

2. Upon receipt of several interconnected applications, the Constitutional Court shall have the right to decide on their merger into one constitutional proceeding.

3. According to the application accepted for constitutional proceedings, the judge of the Constitutional Court, within the time frames established by the Chairman, shall prepare materials for consideration at a Constitutional Court session, for which he shall:

1) determine the participants in the constitutional proceedings, other persons and bodies involved in the consideration of the application, explain to them their rights and obligations provided for by this Constitutional Law;

2) request the necessary documents and other information related to the subject of the application;

3) if necessary, interrogate the relevant officials, engage scientists, experts (specialists), translators and entrust to them the performance of inspections, examinations, studies, on which he shall issue a ruling;

4) no later than ten days before the session commencement, hand the application materials to the Constitutional Court judges ;

5) prepare a draft decision of the Constitutional Court;

6) take other actions to ensure proper consideration of the application.

4. In view of the particular importance and urgency of the application received, the Constitutional Court may decide to consider it in an expedited manner. In this event, preparation of materials for the Constitutional Court session shall be carried out by the judge of the Constitutional Court - the rapporteur in the manner determined by the Rules of the Constitutional Court.

5. After completion of the preparatory work, the Constitutional Court chairman, by his order, shall appoint the date of the Constitutional Court session, at which the issues raised in the application will be considered on the case merits.

6. The Constitutional Court shall have the right to consider an application without engaging the parties in the constitutional proceedings and other persons and holding hearings.

Article 50. Criteria and scope of verification

1. The Constitutional Court shall establish compliance with the Constitution of the Republic of Kazakhstan of the regulatory legal and other acts being verified:

1) in the content of the provisions;

2) in the form of the legal act;

3) in the order of signing, conclusion, adoption, publishing or putting into effect, established by the Constitution of the Republic of Kazakhstan;

4) in terms of division of state power into legislative, executive and judicial branches established by the Constitution of the Republic of Kazakhstan;

5) in terms of distribution of competences between state power bodies established by the Constitution of the Republic of Kazakhstan;

6) taking into account their official explanation given by the authorized state bodies and officials, as well as the established law enforcement practice.

2. The Constitutional Court shall verify constitutionality of regulatory legal and other acts only in the part indicated in the appeal.

Article 51. Order of holding a Constitutional Court session to review an application accepted for constitutional proceedings

1. The Constitutional Court shall consider applications at its session.

2. At the appointed time, the chairman shall:

1) make sure of the presence of sufficient number of Constitutional Court judges for conducting the session and that minutes taking is provided;

2) declare the session of the Constitutional Court open;

3) read out the issues to be considered;

4) give the floor to the judge of the Constitutional Court - speaker to state the essence of the issue, report on the presence of summoned participants in the meeting and the reasons for the absence of those absent;

5) inquire the session participants whether they have petitions, set this issue for permission of the Constitutional Court;

6) announce the beginning of consideration of issues to be considered.

3. If necessary, explanations and statements of the participants in the constitutional proceedings and other engaged persons may be heard.

4. At the end of the speeches of the session participants, upon receipt of the petition, the closing statements of the constitutional proceedings participants shall be heard. The Constitutional Court may give them time to prepare for their closing statements.

5. If the issue is sufficiently clarified, the presiding officer shall announce removal of the panel to the deliberation room and opening of the meeting of the Constitutional Court judges to develop the final resolution. During the meeting, the presence of unauthorized persons shall not be allowed. Disclosure of judgments that took place during the meeting, the course and results of voting shall be prohibited. During the session, the Constitutional Court judges may freely state their own position on the issue under consideration and ask other judges of the Constitutional Court to clarify their positions.

Article 52. Recess of the Constitutional Court session

1. The Constitutional Court session may be interrupted in the following cases:

1) absence of quorum;

2) absence of constitutional proceedings parties and other persons whose presence is deemed as mandatory;

3) the need to request additional materials if they are essential for resolving the application;

4) presence of other circumstances, if they cannot be eliminated during the meeting.

2. In the event of a recess in the Constitutional Court session, the participants shall be notified of this.

Article 53. Duration of consideration of applications by the Constitutional Court

The Constitutional Court shall review the application and make a final decision on it within a month from the date of acceptance of the application for constitutional proceedings. At the same time, the final decision on the citizens' applications shall be made within three months from the date of adoption of the application for constitutional proceedings. Given the complexity of the application and the need for a more complete study of all the circumstances, the indicated terms may be extended by the Constitutional Court for a reasonable period, of which the interested persons shall be notified.

At the request of the President of the Republic of Kazakhstan, lodged in writing or electronic form, the term for issuing the final decision on the application made by him may be reduced to ten calendar days, if the issue is urgent.

In the event that the Constitutional Court unites interconnected applications into one constitutional proceeding, the term provided for by this Constitutional Law for the issuance of a final decision shall be calculated from the date of the last application receipt.

Article 54. Measures to maintain order at a Constitutional Court session

1. To ensure order during the Constitutional Court session, measures of procedural protection or liability may be applied.

2. To ensure the safety of the session participants, the Constitutional Court chairman may order inspection of persons wishing to be present during the review of the application, including verification of their identity documents, personal search and search of the things they bring.

3. To ensure a normal course of the session, the Constitutional Court may apply a warning to the violator or remove him from the session room.

4. The presiding officer at the session shall immediately announce to the offender the establishment of the fact of disrespect for the Constitutional Court.

5. For manifestation of disrespect for the Constitutional Court, the persons guilty of this shall be brought to administrative liability as prescribed by the Code of the Republic of Kazakhstan on Administrative Infractions.

6. If there are signs of a criminal offense in the actions of the violator of order at the meeting, the Constitutional Court, within three working days, shall direct the case to the prosecutor for initiating pre-trial proceedings.

Chapter 10. DECISIONS OF THE CONSTITUTIONAL COURT

Article 55. Types of decisions of the Constitutional Court

1. An act adopted at the Constitutional Court session shall be its decision.

2. Decisions of the Constitutional Court are divided into final decisions, by which the constitutional powers of the Constitutional Court are exercised, and other decisions, by which other powers of the Constitutional Court are exercised.

Article 56. Forms of the Constitutional Court decisions

1. Decisions of the Constitutional Court shall be issued in the form of:

- 1) regulatory resolutions that are an integral part of the current law of the Republic of Kazakhstan;
- 2) messages;
- 3) reports;
- 4) decrees.

Regulatory resolutions, reports and messages shall refer to the final decisions of the Constitutional Court.

2. Regulatory resolutions and reports of the Constitutional Court shall be issued on behalf of the Republic of Kazakhstan.

Article 57. Content of the regulatory resolution and conclusion of the Constitutional Court

1. The Regulatory resolution and conclusion of the Constitutional Court must indicate:

- 1) name, date and place of its issue;
- 2) composition of the Constitutional Court that issued it;
- 3) participants in constitutional proceedings and their representatives;
- 4) the subject of the application;
- 5) provisions of the Constitution of the Republic of Kazakhstan and this Constitutional Law, establishing the right of the Constitutional Court to consider an application accepted for constitutional proceedings;
- 6) circumstances established by the Constitutional Court;
- 7) the title and details of the legal act, constitutionality of which was checked;
- 8) decision of the official the constitutionality of which was checked;
- 9) precincts, districts, administrative-territorial units, where correctness of holding elections of the President of the Republic of Kazakhstan, deputies of the Parliament of the Republic of Kazakhstan or a republican referendum was checked;
- 10) the content of the provision (provisions) of the Constitution of the Republic of Kazakhstan, subjected to official interpretation;
- 11) the content of amendments and additions to the Constitution of the Republic of Kazakhstan, considered by the Constitutional Court in connection with the application in the manner prescribed by subparagraph 10-1) of Article 44 of the Constitution of the Republic of Kazakhstan;
- 12) the procedures established by paragraphs 1 and 2 of Article 47 of the Constitution of the Republic of Kazakhstan, the observance of which was checked;
- 13) arguments in favor of the resolution reached by the Constitutional Court;

14) provisions of the Constitution of the Republic of Kazakhstan, which guided the Constitutional Court;

15) formulation of the decision;

16) the need to review the decisions of state bodies in the event that regulatory resolutions are adopted, provided for in subparagraphs 2) and 3) of paragraph 2 of this article;

17) the procedure and term for enforcement, execution and publication of the resolution;

18) finality and binding nature of the resolution.

2. Based on the results of consideration of applications for reviewing constitutionality of laws and other legal acts, the Constitutional Court shall adopt one of the following regulatory resolutions:

1) on recognition of a law or other legal act or their individual provisions as consistent with the Constitution of the Republic of Kazakhstan;

2) on recognition of a law or other legal act or their individual provisions as consistent with the Constitution of the Republic of Kazakhstan in the interpretation given by the Constitutional Court;

3) on recognizing a law or other legal act or their individual provisions as inconsistent with the Constitution of the Republic of Kazakhstan.

Article 58. Adoption of decisions by the Constitutional Court

1. The Constitutional Court shall make decisions collegially.

2. The Constitutional Court shall adopt a decision by majority of votes of the judges participating in the session by open voting, with the exception of the case provided for in paragraph 3 of Article 25 of this Constitutional Law.

3. In the event of a tie in the Constitutional Court judges' votes at decisionmaking, the vote of the Constitutional Court chairman, who in all cases is the last to cast his vote, shall be decisive. If the Constitutional Court chairman is replaced by the corresponding Constitutional Court judge in his authority, this rule shall not apply. In this event, a second vote shall be held with participation of the chairman or the Constitutional Court judge, who did not take part in the first vote.

4. During the Constitutional Court session, none of its judges participating in the session shall be entitled to abstention from or non- participation in the vote.

5. Decisions adopted by the Constitutional Court before they are signed by the chairman shall be first signed by the judges of the Constitutional Court who took part in the voting.

Article 59. Dissenting opinion of the Constitutional Court judge

The judge of the Constitutional Court, who disagrees with its final decision, shall be entitled to state his opinion in writing, which shall be attached to the constitutional proceedings materials.

The Constitutional Court judge shall not be entitled to publish his dissenting opinion or publicly refer to it.

Article 60. Supplementary decision of the Constitutional Court

1. The Constitutional Court shall adopt a supplementary decision when:

1) question is raised about interpretation of the Constitutional Court decision. In this event, a supplementary decision shall be adopted at the request of participants in the constitutional proceedings or state bodies and officials that are obliged to execute the final decision of the Constitutional Court;

2) it is necessary to correct inaccuracies and editorial errors made in the decision of the Constitutional Court. In this case, a supplementary decision shall be made by the Constitutional Court on its own initiative.

2. A supplementary a decision may not contradict the actual content, meaning and purpose of the decision of the Constitutional Court.

3. Supplementary decision shall be adopted by the Constitutional Court at the session, the procedure for which shall be governed by the regulations of the Constitutional Court.

Article 61. Revision of a decision of the Constitutional Court

1. The decision of the Constitutional Court may be revised by it at the initiative of the President of the Republic of Kazakhstan or on its own initiative in cases where:

1) the provision of the Constitution of the Republic of Kazakhstan has changed, on the basis of which the decision was made;

2) The new circumstances significant for the applicant have opened.

2. The Constitutional Court shall adopt a decision on revision of the decision, which cancels this decision.

3. The procedure for considering the issue of revising the decision of the Constitutional Court shall be governed by the regulations of the Constitutional Court.

Article 62. Legal force of the Constitutional Court decision

1. Regulatory resolutions and conclusions of the Constitutional Court shall take effect from the date of their adoption, are generally binding throughout the territory of the Republic of Kazakhstan, final and not subject to appeal. The procedure for enactment of other decisions shall be determined by the Constitutional Court.

2. The decisions of the Constitutional Court referred to in paragraph 1 of this article shall have direct effect and do not require acknowledgement of other state bodies and officials. The legal force of the Constitutional Court decision on recognition of a legal act or its individual provisions as inconsistent with the Constitution of the Republic of Kazakhstan may not be overridden by repeated adoption of this act with the same content.

Article 63. Consequences of final decisions adoption by the Constitutional Court

1. The laws and international treaties of the Republic of Kazakhstan, recognized as inconsistent with the Constitution of the Republic of Kazakhstan, may not be signed or accordingly ratified and put into effect. Recognition of laws as consistent with the Constitution of the Republic of Kazakhstan shall resume the count of terms for their signing. Recognition of international treaties of the Republic of Kazakhstan as consistent with the Constitution of the Republic of Kazakhstan shall resume their ratification process.

2. Amendments and additions to the Constitution of the Republic of Kazakhstan, recognized as inconsistent with the requirements established by paragraph 2 of Article 91 of the Constitution of the Republic of Kazakhstan, may not be put to the nationwide referendum or submitted for consideration to the Parliament of the Republic of Kazakhstan.

3. Laws and other legal acts, their individual provisions recognized as unconstitutional, including those that infringe on the rights and freedoms of man and citizen, which are fixed by the Constitution of the Republic of Kazakhstan, shall be annulled and may not be applied from the day of the adopted decision of the Constitutional Court or the date established by them.

The decisions of the courts and other law enforcement bodies based on such a law or other legal act shall not be subject to execution and must be revised in the prescribed manner, with the exception of cases when the Constitutional Court determined a different procedure for the effect and execution of the final decision made by it.

Recognition of the Law and other legal act or their separate provisions as inconsistent with the Constitution of the Republic of Kazakhstan shall be the ground for cancellation in the prescribed manner of the provisions of other laws or other legal acts containing the same provisions that were recognized as unconstitutional, or based on such provisions or reproducing textually these provisions.

4. If a law or other legal act or their separate provisions shall be recognized as consistent with the Constitution of the Republic of Kazakhstan in the interpretation given by the Constitutional Court; when they are applied their other interpretation shall be excluded, and the consequences of such a decision shall be determined by paragraph 3 of this article, unless otherwise established by the Constitutional Court.

5. Elections of the President of the Republic of Kazakhstan, recognized as inconsistent with the Constitution of the Republic of Kazakhstan, by the decision of the Central Election Commission of the Republic of Kazakhstan at the relevant polling stations (administrative-territorial units) shall be recognized invalid. Recognition of the elections of the President of the Republic of Kazakhstan as consistent with Constitution of the Republic of Kazakhstan shall entail registration of the elected President of the Republic of Kazakhstan.

6. Elections of the Senate and Mazhilis deputies of the Parliament of the Republic of Kazakhstan, recognized as inconsistent with the Constitution of the Republic of Kazakhstan, by the decision of the Central Election Commission of the Republic of Kazakhstan in the relevant administrative-territorial units and electoral districts shall be recognized invalid. Recognition of the elections of deputies of the Senate and the Mazhilis of the Parliament of the Republic of Kazakhstan as consistent with the Constitution of the Republic of Kazakhstan shall result in registration of the elected deputies.

7. The national referendum results recognized as inconsistent with the Constitution of the Republic of Kazakhstan by the decision of the Central Commission of the referendum at the relevant polling stations (administrative-territorial units) shall be invalidated. Recognition of

the referendum as consistent with the Constitution of the Republic of Kazakhstan shall result in resumption of the referendum summation.

8. The conclusion on non-observance of the established constitutional procedures before adoption by the Parliament of the Republic of Kazakhstan in accordance with paragraphs 1 and 2 of Article 47 of the Constitution of the Republic of Kazakhstan, respectively, of the decision on early dismissal from office, the final decision on the dismissal of the President of the Republic of Kazakhstan shall entail termination of consideration of the issue, respectively, on early dismissal from office, on dismissal of the President of the Republic of Kazakhstan. The conclusion on compliance with the established constitutional procedures shall entail continuation of consideration of the issue, respectively, on early removal of the President of the Republic of Kazakhstan from office, on dismissal of the President of the Republic of Kazakhstan from office.

Article 64. Enforcement of the Constitutional Court decisions

1. The Constitutional Court may determine the procedure and terms for the enforcement and execution of decisions adopted by it.

2. The relevant state bodies and officials shall report to the Constitutional Court on the measures taken for enforcement of its decision, within the term established by the Constitutional Court.

3. The recommendations and proposals contained in the Constitutional Court decisions on improving the legislation of the Republic of Kazakhstan shall be subject to mandatory consideration by authorized state bodies and officials with mandatory notification of the Constitutional Court of the decision taken.

4. In the case of adoption by the Constitutional Court of regulatory resolutions provided for by subparagraphs 2) and 3) of paragraph 2 of Article 57 of this Constitutional Law, if the need follows from them in adoption of legislative and other measures to eliminate gaps and contradictions in legal regulation, the authorized state bodies no later than six months after the publication of the Constitutional Court decision, unless otherwise provided by the Constitutional Court, shall introduce a draft relevant law to the Mazhilis of the Republic of Kazakhstan, ensure adoption of other legal acts. Before adoption of a new legal act, the Constitution of the Republic of Kazakhstan and the decision of the Constitutional Court shall be directly applied, taking into account the specifics of the legal regulation of affected public relations.

Article 65. Direction and publication of the Constitutional Court decisions

1. The final decisions of the Constitutional Court:

1) shall be directed within five working days after the decision adoption to the applicants or their representatives, and also in all cases, the President of the Republic of Kazakhstan, the chambers of the Parliament of the Republic of Kazakhstan, the Supreme Court of the Republic of Kazakhstan, the Prosecutor General of the Republic of Kazakhstan, the Minister of Justice of the Republic of Kazakhstan;

2) shall be subject to publication in Kazakh and Russian in periodicals entitled to the official publication of legislative acts, the single legal information system, on the Internet resource of the Constitutional Court, as well as by decision of the Constitutional Court in other sources.

2. Other decisions, if necessary, shall be published and directed to the relevant state bodies, officials, organizations and citizens in cases and the manner established by the Constitutional Court regulations.

Section 3. FINAL PROVISIONS

Article 66. Transitional provisions

1. The Constitutional Court of the Republic of Kazakhstan is the successor of the Constitutional Council of the Republic of Kazakhstan.

2. Applications received by the Constitutional Council before January 1, 2023 shall be considered by the Constitutional Court in the procedure established by this Constitutional Law.

Article 67. Enforcement of this constitutional law

1. This Constitutional Law shall be enforced ten calendar days after the date of its first official publication, with the exception of:

1) Articles 23, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38 and 39, chapter 7, Article 43, paragraphs 1, 2 and 3, subparagraphs 1), 2), 3), 3), 3), 3) 4), 5) and 7) paragraph 4, paragraph 5 of Article 44, articles 45 and 46, paragraph 1, subparagraphs 1), 2), 3) and 5) paragraph 2, paragraphs 3 and 4 of Article 47, articles 48, 49, 50, 51, 52, 53, 54 and chapters 10, which shall be enforced from January 1, 2023;

2) Article 40, subparagraph 6) of paragraph 4 of Article 44 and subparagraph 4) of paragraph 2 of Article 47, which shall be enforced from January 1, 2024.

2. The constitutional law of the Republic of Kazakhstan dated December 29, 1995 “On the Constitutional Council of the Republic of Kazakhstan” shall be invalid from the day of formation of the full body of the Constitutional Court.

President of the Republic of Kazakhstan

K. Tokayev